

Lexington, Kentucky     June 9, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 9, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens and Stinnett. Absent were Council Members Wigginton and Brown.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 116-2005 thru 126-2005 inclusive and Resolutions No. 246-2005 thru 270-2005 inclusive were reported as having been signed and published, and were ordered to record.

The Invocation was given by Dr. Lisa Davidson, Lexington Theological Seminary.

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Upon motion of Dr. Stevens and seconded by Ms. Shafer, the minutes of the March 24 and April 14, 2005 Council Meetings were approved by unanimous vote.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the minutes of the April 21, 2005 Council Meeting were removed from the docket until the next meeting.

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Dr. Stevens introduced Ms. Gloria Singletary, co-chair of Let Us Vote Lexington (LUV). Ms. Singletary presented the following exhibits to the Council: (1) Petitions in favor of the issue of the condemnation of KY-American Water Co. to go on the ballot, (2) Letter from County Clerk Don Blevins verifying the number of signatures, and (3) Certified copy of the Official Canvas for 2002 Election for Mayor.

Dr. Stevens made a motion, seconded by Mr. DeCamp, to place an Ordinance authorizing and directing the Lexington-Fayette Urban County Government to purchase by the most cost effective and reasonable means, including by the exercise of the right of eminent domain, (1) all the real and personal property of Kentucky-American Water Company located within Fayette County, Kentucky and (2) all the real and personal property of Kentucky-American Water Company located within Jessamine, Woodford, Scott, Harrison, Bourbon, and Clark Counties, Kentucky, which is a part of the same integrated water supply and distribution system that provides water service to residents of Fayette County, provided, however, that the government shall not be required to purchase said assets if the cost of the assets cannot be repaid in a commercially reasonable manner solely from the revenues generated from the operation of the assets, and to issue its bonds, bond anticipation notes, and other financing instruments for the purpose of paying the costs of the acquisition and acquisition proceedings; authorizing and directing appropriate officials of the government to take any and all further action and execute and deliver all documents reasonably necessary to effectuate the purpose of this ordinance; authorizing and directing the Council to adopt an ordinance creating a water authority to operate and manage the assets of the water company; and finding that acquisition of the said assets is necessary for the intended public uses of (1) establishing a municipally-owned water utility for the primary purpose of supplying the government and its inhabitants with water and (2) providing parkland to the government and its inhabitants on the docket and give it first reading.

The motion passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Moloney, Shafer, Stevens, Stinnett --- 8

Nay: Cegelka, Lane, McChord, Myers, Scanlon ----- 5

The ordinance was placed on the docket and given first reading.

Dr. Stevens made a motion, seconded by Ms. Gorton, to have a Special Meeting on June 14, 2005 at 1:30 p.m. in order to give second reading to the ordinance.

The motion passed by the following vote:

Aye: Cegelka, DeCamp, Ellinger, Gorton, Lane, McChord, Moloney, Myers, Shafer, Stevens, Stinnett ----- 11

Nay: Farmer, Scanlon ----- 2

The ordinance was ordered placed on file for public inspection until a Special Meeting to be held on June 14, 2005 at 1:30 p.m.

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An Ordinance pursuant to Section 14.04 of the Charter, Lexington-Fayette Urban County Government, establishing a Charter Revision Commission consisting of no fewer than twenty (20) citizens to hold hearings and to make recommendations to the Council with respect to amendments to the Charter was given second reading.

The ordinance failed to pass by the following vote:

Aye: DeCamp, Ellinger, Gorton, Moloney, Shafer, Stevens ----- 6

Nay: Cegelka, Farmer, Lane, McChord, Myers, Scanlon, Stinnett ----- 7

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The following ordinances were given second reading and passed by the following vote:

Aye: Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett ----- 13

Nay: ----- 0

An Ordinance changing the zone from a Single Family Residential (R-1E) zone to a Professional Office (P-1) zone for 0.1415 net (0.2820 gross) acre of property located at 378 Park Avenue. (Sam Shaw)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$925.00 for Historic Preservation from the Neighborhood Development Funds for Historic Preservation Week, and appropriating and reappropriating funds, Schedule No. 192.

An Ordinance amending Section 9-20(c)(3) and (d) of the Code of Ordinance to allow small fires to be set by construction and other workers for comfort or heating

purposes when the daytime temperatures are below forty degrees Fahrenheit (40°F) if excessive or unusual smoke is not created, the fire is contained in a metal vessel not to exceed a size of a fifty-five (55) gallon drum and the fire is not left unattended for more than 15 minutes and providing that no permit shall be required for such fires.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$165,000.00 Federal funds, are for the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of \$165,000.00, which will be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2006 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 190.

An Ordinance relating to right of way amending Section 17C-3 of the Code of Ordinances to redefine work which may be performed pursuant to an annual general permit, redefine “emergency”, redefine “high density utility area”, redefine “surface cut permit”, and “tariff”, and to delete the definition of “street cut marker”; amending Section 17C-7 of the Code of Ordinances to require repair of disturbed or damaged right-of-way or public property within twenty-one (21) calendar days of the activities causing the disturbance or damage, unless extended for reasonable cause, and requiring that overhead and underground facilities will be consistent with the National Electrical Safety Code; amending Section 17C-9 of the Code of Ordinances to add annual general permit fees to those fees which must be paid prior to placement and use of facilities in the right-of-way and deleting the exception from registration of facilities installed for a property owner pursuant to a contractual agreement; amending Section 17C-14 of the Code of Ordinances to provide for payment of \$250 by registrants who do not have an annual general permit, payment of an amount related to the level of permitted activity by registrants who have an annual general permit, and allowing registrants with franchise agreements to pay as provided in their franchise; amending Section 17C-15 of the Code to require notice of emergencies by noon the next business day and to allow notice via

website, facsimile or e-mail; amending Section 17C-21 of the Code, effective until December 31, 2005, to provide that routine work in the right-of-way will be done during normal working hours and notice of the work is required by noon the business day following the commencement of work and providing work without proper notice is subject to fines, redefining the scope of work covered by the annual general permit, and effective January 1, 2006, removing the requirement for notice by noon the next business day; amending Section 17C-22 of the Code to provide for annual payment of fees and allowing franchisees to pay as allowed by their franchise, to provide for an annual fee of \$3,000.00 for a Type I annual general permit for registrants with facilities equal to ten percent (10%) or less of the area of Fayette County, to provide for an annual payment of \$15,000.00 for a Type II annual general permit for registrants with facilities equal to more than ten percent (10%) of the area of Fayette County, and to provide that registrants with facilities equal to less than one tenth of one percent (0.10%) of the area of Fayette County shall only be required to pay an annual registration fee but shall be required to obtain permits for each occupation of the right-of-way, increasing the fee for an "installation permit" to \$100.00 and exempting immediately adjoining real property owners from payment, increasing the fee for a "surface cut permit" to \$250.00, and to provide that permit fees shall be paid at the time of application unless otherwise paid; amending Section 17C-23 of the Code to provide that deposits shall be held for a period similar to bonds and that security requirements may be imposed as part of a surface cut permit; amending Section 17C-27 of the Code to correct editing; amending Section 17-7 of the Code to require that disturbances in the right-of-way are subject to all applicable portions of Chapter 17C; amending Section 17-8 of the Code to provide that application for permission to disturb the right-of-way may be done through the Urban County Government's website, add apron cuts for calculation of bonding requirements and provide bonding procedures; amending Section 17-9 of the Code to delete restrictions on acceptance of return slips; amending Section 17-10 related to standards for refill and restoration of surfaces and to provide for notice; amending Section 17-11 to provide for security of work sites; amending Section 17-13 to increase penalties for violations of Sections 17-8, 17C-21 and 17C-22 or failing to provide security under Section 17C-9 or violation of sections 17-7 through 17-12 to \$200.00 to \$500.00 for each offense and increasing the fine to \$100.00 for each night an excavation is unprotected, and to provide that fines for failure to obtain a permit as

required shall be assessed at a rate twice the standard cost for the applicable permit; and amending Section 17-15 of the Code to increase the period for replacement of disturbed areas to twenty-one (21) days and increasing the fine to \$100.00.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Associate Traffic Engineer, Grade 115E and creating one (1) position of Traffic Engineer, Grade 117E, and reclassifying the incumbent in the Div. of Traffic Engineering, to be effective retroactive to April 18, 2005, and appropriating funds pursuant to Schedule No. 196.

An Ordinance authorizing the Mayor to execute the Certificate of Consideration and to accept a General Warranty Deed, from Brian and Sharon Mosher, for the property located at 2316 Shandon Drive, at a cost not to exceed \$105,000.00, and appropriating funds pursuant to Schedule No. 195.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Health and Family Services, which grant funds are in the amount of \$65,000.00 Federal funds, are for continuation of the Bioterrorism Preparedness Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 6, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance prescribing the procedures and requirements for the preparation, adoption and execution of the annual operating and capital improvements budgets.

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An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Arborist Technician, Grade 112N, in the Div. of Streets, Roads and Forestry was given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett ----- 12

Nay: Cegelka ----- 1

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 2.91 net (3.45 gross) acres of property located at 4550 and 4560 Nicholasville Road, subject to certain use and buffering restrictions imposed as a condition of granting the zone change (Louis E. Hillenmeyer, III) was given first reading and ordered placed on file until a Public Hearing to be held on July 7,

2005 at 8:00 p.m.

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance changing the zone from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for 22.05 net (24.04 gross) acres of property and to a Planned Neighborhood Residential (R-3) zone for 13.89 net (15.98 gross) acres of property located at a portion of 3000 Beaumont Centre Circle, subject to certain use and density restrictions imposed as a condition of granting the zone change. (Haymaker Development, LLC)

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 3.46 net (3.57 gross) acres of property located at 3021 and 3051 Todds Road, subject to certain use and buffering restrictions imposed as a condition of granting the zone change. (Trea Francis – Our House Childcare)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,000.00 for the Div. of Parks and Recreation from Neighborhood Development Funds for handicap accessible sidewalk at Ecton Park T-ball fields, and appropriating and reappropriating funds, Schedule No. 199.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$500.00 for the Div. of Parks and Recreation from Neighborhood Development Funds for the S. T. Roach Basketball Program, and appropriating and reappropriating funds, Schedule No. 200.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,000.00 for the Commonwealth Attorney's Office from Neighborhood Development Funds for the Graffiti Cleaning Program, and appropriating and reappropriating funds, Schedule No. 201.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$780.00 for the Div. of Parks and Recreation from Neighborhood Development Funds to replace

fencing at Addison Park, and appropriating and reappropriating funds, Schedule No. 202.

An Ordinance authorizing and ratifying actions in the structuring, staffing, planning and preparation of all documentation for the issuance of certain General Obligation Bonds of the Urban County Government; authorizing the issuance of such bonds to finance costs of funding a program to preserve and manage agricultural, rural and natural lands, including the purchase of conservation easements or development rights and renovating and upgrading space in two government office buildings and making structural repairs to two parking garages owned and operated by the Government; setting forth the terms and conditions on which the bonds are to be issued and providing for a competitive, advertised sale thereof; authorizing and ratifying the preparation and distribution of a Notice of Bond Sale and a Preliminary Official Statement for the bonds; providing for the acceptance by the Mayor of the best bid for the bonds in accordance with the official terms and conditions of bond sale; defining and providing for the rights of the holders of the bonds and providing for the application of the proceeds thereof; and taking other related action.

An Ordinance declaring the property located at 701 West Main Street and 109 Old Georgetown Street surplus property and authorizing the Mayor to execute a General Warranty Deed and Certificate of Consideration transferring this surplus property to Daniel E. and Charlene Moriarty, for the sum of \$25,000.00, and appropriating funds pursuant to Schedule No. 159.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for the Health Insurance subsidy, and appropriating and reappropriating funds, Schedule No. 193.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 198.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to adjust General Fund revenues and expenditures for FY 2005, and appropriating and reappropriating funds, Schedule No. 204.

An Ordinance creating Section 5-29.2 of the Code of Ordinances to establish a commercial construction plan review fee of six cents (.06) per square foot, with a minimum fee of fifty dollars (\$50.00), for all commercial construction projects, including



both new construction and remodeling, and excluding fences, paving, curb cuts, grading, signs, swimming pools, and sidewalk cafes; effective July 1, 2005.

An Ordinance amending Section 13-52 of the Code of Ordinances to require pawnbrokers to maintain records on a computerized disk if records are maintained on a computer system, changing Police Department to Div. of Police and clarifying that forms are provided rather than furnished; amending subsections (a)(b) and (c) of Section 13-54 of the Code of Ordinances to include pawnbrokers as a covered business, to include purchases for money or store credit and purchases of electronic devices including video games, cd's or dvd's as covered transactions; to require descriptions of articles to be maintained on a computer disk if records are maintained on a computer system and to tag articles as to page and line listing corresponding to page and line listing on the computer system; to require a seller of covered items to provide identification; to provide that no purchases or trades shall be made from persons under eighteen (18), to require buyers to obtain thumbprints, maintain them with records of the transaction and make them available to Div. of Police; to require register or computer disk to be provided to the Div. of Police on a daily basis and to retain articles for a period of ten (10) days prior to sale; and repealing Section 13-55 of the Code of Ordinances.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one (1) position of Police Major, Grade 319E, and creating one (1) position of Police Captain, Grade 318E, all in the Div. of Police, to be effective upon passage by Council.

An Ordinance authorizing the Mayor to accept a donation of twenty-five thousand (\$25,000.00) dollars, from Ky. American Water Co., for filling of swimming pools for summer of 2005 and appropriating funds pursuant to Schedule No. 208.

An Ordinance authorizing the Mayor to accept the donation for the Div. of Police in the amount of \$5,000.00 from Kroger and Milk-Bone to purchase a Police canine and appropriating funds pursuant to Schedule No. 206.

An Ordinance authorizing the Mayor to execute and submit a Supplemental Extension Form to the U. S. Dept. of Justice requesting additional time to complete spending of the 2001 Cops Technology Grant funds and to provide any additional information requested in connection with this Supplemental Extension Form, and to accept this grant if the Supplemental Extension Form is approved, which grant funds are in the amount of \$8,998.40 Federal funds, are for mobile computer equipment for the Div. of Police, the acceptance of which does not obligate the Lexington-Fayette

Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 205, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Bluegrass Area Development District, which grant funds are in the amount of \$241,860.21 Federal funds, are for the Workforce Investment Act (WIA) Program for FY 2006, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$275,669.00 (FHWA Planning), \$33,040.00 (Federal Transit Administration Section 5303), \$96,000.00 (Mobility Office (SLX)), and \$48,000.00 (Air Quality Planning (SLX)) Federal funds, are for the Div. of Planning Unified Work Program – FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of \$51,690.00 (FHWA Planning), \$8,260.00 (Federal Transit Administration), \$24,000.00 (Mobility Office (SLX)), and \$12,000.00 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$250,000.00 additional federal funds, are for restoration of Latrobe's Pope Villa, the acceptance of which obligates the Urban County Government for the expenditure of \$62,500.00 to be provided by the Blue Grass Trust for Historic Preservation, appropriating funds pursuant to FY 2006 Schedule No. 9, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Lexington-Fayette County Health Dept., which grant funds are in the amount of \$284,360.00 Federal funds, are for continuation of the Home Visitation Project at the Family Care Center in FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of matching funds of \$44,500.00, subject to sufficient funds being appropriated in FY06, appropriating funds pursuant to FY 2006 Schedule No. 10, and

authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute a Lease Agreement with William L. Hassett, Jr. as Trustee Under the Restated Revocable Living Trust for the benefit of William L. Hassett, Jr., Charles D. Mitchell, James C. Mitchell and Anne Hassett Zelle, in care of James C. Mitchell, for the lease of property located at 166 North Martin Luther King, Jr., Blvd., for the provision of space necessary to the PVA, Div. of Environmental and Emergency Management (DEEM), and Partners for Youth, at a cost not to exceed \$174,548.00, subject to sufficient funds being appropriated in the FY06 Budget, and appropriating funds pursuant to Schedule No. 207.

An Ordinance authorizing the Mayor to execute a Second Amended Agreement for professional services with Hilary Bohannon, for professional services related to collective bargaining with the Public Safety employees, at an additional cost not to exceed \$15,400.00, and appropriating funds pursuant to Schedule No. 191.

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Upon motion of Mr. Stinnett, seconded by Mr. Farmer and passed by unanimous vote, an Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$19,900.00 from General Fund Fund Balance for Parks and Recreation for ballfield lighting at Kenawood Park, and appropriating and re-appropriating funds, Schedule No. 0210 was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

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Upon motion of Mr. Myers, seconded by Mr. Farmer and passed by unanimous vote, an Ordinance amending certain of the budgets of the Lexington Fayette-Urban County Government to reflect current requirements for funds in the amount of \$2,500.00 from General Fund Fund Balance for Parks and Recreation for Gainesway Park Master Plan consultant and appropriating and re-appropriating funds, Schedule No. 0209 was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

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The following resolutions were given second reading and passed by the following

vote:

Aye: Cegelka, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett ----- 12

Nay: ----- 0  
(Mr. DeCamp was absent when the vote was taken.)

A Resolution accepting the bid of Tom Chesnut Excavation & Construction, LLC establishing a price contract for fencing for Man O’ War Blvd., for the Div. of Streets, Roads and Forestry.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent drainage and temporary construction easements from L. M. Barnhill, Mary Jackson Barnhill and Lindsey Michelle Barnhill, located at 2311 Evans Mill Road, for the Evans Mill Cross Drain Project, and authorizing payment in the amount of \$2,125.00, plus usual and appropriate closing costs.

A Resolution adopting an Amendment to the 457 Deferred Compensation Plan administered by the ICMA Retirement Corporation, allowing plan participants to calculate and apply for loans online from their ICMA accounts and permitting bi-weekly payroll deductions for repayment and authorizing the Mayor to execute an Amended Trust Agreement with the ICMA Retirement Corporation.

A Resolution changing the property address numbers of 3800, 3801, 3808, 3812, 3813, 3816, 3820, 3821, 3824, 3825, 3828, 3829, 3832, 3836, 3837, 3840, 3844, 3849, 3852 and 3857 Lochdale Terrace to 3803, 3802, 3807, 3811, 3810, 3815, 3819, 3822, 3823, 3826, 3827, 3830, 3831, 3835, 3838, 3839, 3843, 3850, 3855 and 3860 Lochdale Terrace; all effective thirty days from passage.

A Resolution changing the street name and property address numbers of 2020 Leestown Road to 185 Opportunity Way, of 311, 359, 308, 324, 304 and 316 Vo Tech Drive to 165, 195, 164, 172, 160, 168 and 171, Units 1 and 2, Opportunity Way; and changing the street name of 151 Vo Tech Drive to 151 Opportunity Way; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute an Agreement with Dogwood Trace Neighborhood Association (\$1,350.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute a Professional Services Agreement with Rosemary Burke Minnick, as a Certified Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a

cost not to exceed \$20.00 for each scheduled on-call period, \$220.00 for each completed forensic examination and the reasonable cost of medical liability insurance.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Aramark Uniforms and Career Apparel, d/b/a Galls, Inc., for computer upgrade training, at a cost not to exceed \$4,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Jarboe Construction, for office construction for the Ky. Dept. for Employment Services, decreasing the contract price by the sum of \$2,700.00 from \$367,700.00 to \$365,000.00.

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A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Cabinet for Health and Family Services and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$54,940.00 Federal funds, and are for employment of a full time Child Access Coordinator in the Office of the Friend of the Court was given second reading and passed by the following vote:

Aye: Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Scanlon, Shafer, Stevens, Stinnett ----- 12

Nay: ----- 0  
(Mr. Myers disqualified himself when the vote was taken.)

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The following resolutions were given first reading. Upon motion of Mr. Ellinger and seconded by Mr. DeCamp, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Myers, Shafer, Stevens, Stinnett ----- 12

Nay: ----- 0  
(Mr. Scanlon was absent when the vote was taken.)

A Resolution accepting the bids of KDA Office Furniture Solutions in the amount of \$19,352.90 and Action Business Suppliers in the amount of \$470.00, for classroom furniture for the Day Treatment Facility, as further specified in the memorandum of the Div. of Central Purchasing dated May 23, 2005, for the Office of the CAO.

A Resolution accepting the bid of JGK Pipeline Services, Inc. in the amount of \$118,505.00, for construction of Southeast Bracktown Sanitary Sewer.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Sharon Denise

Robinson, for property located at 3146 Bracktown Road, for the Southeast Bracktown Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Marvin Gateskill, for property located at 3132 Bracktown Road, for the Southeast Bracktown Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Marvin Gateskill, for property located at 3136 Bracktown Road, for the Southeast Bracktown Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Coleman Crawford, for property located at 3160 Bracktown Road, for the Southeast Bracktown Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Albert Jesse Mason, Jr., for property located at 3210 Bracktown Road, for the Southeast Bracktown Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the University of Ky. Research Foundation, for the development and implementation of a Community Outreach and Education Program under the Project Safe Neighborhoods Grant Program of the United States Dept. of Justice, at a cost not to exceed \$70,000.00.

A Resolution authorizing the Mayor to execute a Contract with Winburn Neighborhood Association, for its Beautification and Pride Project, at a cost not to exceed \$2,700.00.

A Resolution accepting the bid of L-M Asphalt Partners d/b/a Central Ky. Asphalt, in the amount of \$210,921.11, for the Alumni Drive Turn Lane Project.

A Resolution authorizing the Mayor to execute a Loan Agreement with Chrysalis House, Inc., for use of HOME Investment Partnership Grant funds for the rehabilitation of a fourteen (14) unit Single Room Occupancy (SRO) facility located at 120 Chrysalis Court, at a cost not to exceed \$50,000.00.

A Resolution authorizing the Mayor to execute a Purchase of Services Agreement with Lexington Downtown Development Authority, Inc., for support of

downtown development activities and a transportation analysis, at a cost not to exceed \$97,000.00.

A Resolution authorizing the Mayor to execute Agreements with Blue Grass Council of Boy Scouts of America, Inc. (\$375.00), Bluegrass Community Foundation, Inc. (\$600.00), Henry Clay Memorial Foundation (\$700.00), Bell Court Neighborhood Association, Inc. (\$500.00), Aylesford Place Association, Inc. (\$500.00), Bluegrass Trust for Historic Preservation, Inc. (\$1,000.00), Bryan Station High School Alumni Association, Inc. (\$500.00), and Eastland Parkway Neighborhood Association, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement with CMW, Inc., for architectural services for Phase I Exterior Restoration of the Old Circuit Courthouse, at a cost not to exceed \$20,444.00 in Transportation Enhancement Program grant funds.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Spectrum Contracting Services, Inc., for renovation of the fourth floor of the Phoenix Building, increasing the contract price by the sum of \$23,437.00 from \$297,590 to \$321,027.

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of J. Edinger & Son, Inc. establishing a price contract for dump bodies, for the Div. of Fleet Services.

A Resolution accepting the bids of Bank's Floor Covering, Merit Furniture, Inc., and Plaza Carpets establishing a price contract for carpet, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of GKT Enterprises LLC establishing a price contract for bulb out installation.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a temporary construction easement from Virginia S. Mason, for property located at 706 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$75.00, plus usual and appropriate closing costs and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a temporary construction easement from Clinton and Grace Tucker, for property located at 710 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$450.00, plus usual and appropriate closing costs and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Miami Valley Fire/EMS Alliance, allowing fire personnel participation in the Urban Search and Rescue Program of Ohio Task Force One, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with Lexington Humane Society (\$2,250.00), Golfview Estates Neighborhood Association, Inc. (\$152.00), Pine Meadows-Cardinal Hill-Mason Headley Neighborhood Association, Inc. (\$1,200.00), Georgetown Street Neighborhood Association, Inc. (\$375.00), Winburn Neighborhood Association, Inc. (\$375.00), Step By Step, Inc. (\$275.00), Copperfield Neighborhood Association, Inc. (\$275.00), Bluegrass Tomorrow, Inc. (\$1,000.00), Blue Grass Community Foundation, Inc. (\$2,000.00), Fayette County Neighborhood Council, Inc. (\$1,000.00), Young Marines Captain Reginald Underwood Unit, Inc. (\$500.00), YMCA of Central Ky., Inc. (\$640.00), and Young Marines Captain Reginald Underwood Unit, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving the probationary civil service appointments of: Linwood Johnson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Ashley Sells, Associate Traffic Engineer, Grade 115E, \$1,467.92 bi-weekly, in the Div. of Traffic Engineering, effective June 27, 2005, Daniel Dotterweich, Network Supervisor, Grade 117E, \$2,144.40 bi-weekly, in the Div. of Computer Services, effective June 13, 2005, Brian Dennis, Information officer, Grade 113E, \$1,563.60 bi-weekly, in the Div. of Government Communications, effective May 30, 2005, William Mabson, Public Service Worker, Grade 106N, \$11.324 hourly, in the Div. of Solid Waste, effective June 13, 2005, Larry Benson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 13, 2005, John Hanley, Maintenance Mechanic, Grade 113N, \$15.201 hourly, in the Div. of Sanitary Sewers, effective June 13, 2005, Lonnie O'Day, Public Service Worker Sr., Grade 107N, \$12.156 hourly, in the Div. of Streets, Roads and Forestry, effective June 13, 2005, Keith Gallman, Public Service Supervisor, Grade 111N, \$14.539 hourly, in the Div. of Building Maintenance &



Construction, effective June 13, 2005, Traci Wade, Planner Sr., Grade 117E, \$1,706.72 bi-weekly, in the Div. of Planning, effective June 20, 2005, Justin Huber, Public Service Worker, Grade 106N, \$12.160 hourly, in the Div. of Parks, effective June 13, 2005, Mary Lyle, Health Services Advisor, Grade 114E, \$1,602.24 bi-weekly, in the Div. of Human Resources, effective June 15, 2005, Nathan Bengé, Code Enforcement Officer, Grade 113N, \$13.961 hourly, in the Div. of Building Inspection, effective June 13, 2005, Anthony Jackson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Thomas D'Andrea, Computer Analyst, Grade 115E, \$1,320.64 bi-weekly, in the Div. of Computer Services, effective May 30, 2005, Shannon White, Public Service Worker, Grade 106N, \$10.282 hourly, in the Div. of Parks, effective June 13, 2005, Wendell Simpson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Alicia Joy Brooks, Laboratory Technician, Grade 109N, \$10.746 hourly, in the Div. of Sanitary Sewers, effective June 13, 2005; ratifying the permanent civil service appointments of: Lance Gorham, Security Officer, Grade 103N, in the Dept. of General Services, effective April 4, 2005, Robert Hatfield, Security Officer, Grade 103N, in the Dept. of General Services, effective May 29, 2005; approving the probationary sworn appointments of: Todd Samuelson, Fire Lieutenant, Grade 315N, \$14.246 hourly, in the Div. of Fire, effective April 13, 2005, Trevor Cox, Fire Captain, Grade 316N, \$14.637 hourly, in the Div. of Fire, effective April 13, 2005, Harold Faulconer, Police Sergeant, Grade 315N, \$21.675 hourly, in the Div. of Police, effective May 30, 2005, Michael Blanton, Police Captain, Grade 318E, \$2,888.24 bi-weekly, in the Div. of Police, effective May 30, 2005, Kenneth Armstrong, Police Lieutenant, Grade 317E, \$2,451.20 bi-weekly, in the Div. of Police, effective May 30, 2005; ratifying the permanent sworn appointments of: James C. Newton, Police Captain, Grade 318E, in the Div. of Fire, effective May 29, 2005, Christopher VanBrackel, Police Sergeant, Grade 315N, in the Div. of Police, effective May 29, 2005, Christopher Young, Police Sergeant, Grade 315N, in the Div. of Police, effective May 29, 2005, James Lombardi, Police Lieutenant, Grade 317E, in the Div. of Police, effective May 29, 2005, ratifying the unclassified civil service appointment of: Anamary Wehle, Administrative Specialist Sr., Grade 112N, \$15.00 hourly, in the Mayor's Office, effective May 23, 2005, Marisa Milanesio, Eligibility Counselor, Grade 110E, \$1,236.80 bi-weekly, in the Div. of Family Services, effective May 30, 2005, Ingrid Flowers, Social Worker Sr., Grade 113E, \$1,116.85 bi-weekly, in the Div. of Family Services, effective June 13, 2005.

A Resolution approving the execution and delivery by the City of Versailles, Ky., of its City of Versailles, Ky. Educational Facilities Revenue Note (Providence Montessori School, Inc. Project), Series 2005 in an amount not to exceed \$1,200,000 (the "Note"), and the use of the proceeds thereof to assist Providence Montessori School, Inc. (the "School") to (I) construct, install and equip a building to contain, among other things, classrooms, an art room and an assembly room on the School's campus located at 1209 Texaco Road, Lexington, Ky. 40508 and reimburse the School for costs already incurred in connection therewith; (II) currently refund the School's existing Lexington-Fayette Urban County Government Six Month Adjustable Rate Industrial Building Revenue Bonds, Series 1992 (Providence Montessori School, Inc. Project) in the approximate outstanding amount of \$405,000; and (III) pay costs of issuance.

A Resolution authorizing the Mayor to accept a Donation by Insight Communications, of labor to install fiber optic cable to three (3) government buildings, at no cost to the Urban County Government.

A Resolution establishing the National Incident Management System (NIMS) as the standard in Lexington-Fayette County for incident management during emergencies or disasters.

A Resolution changing the street name and property address numbers of 191 Jefferson Street to 502 West Second Street, of 3289 Eagle View Lane and 3293 Eagle View Lane to 3228 Summit Square Place and 3229 Summit Square Place, of 4113 Winchester Road to 4075 Royster Road, of 4335 Military Pike to 4218 Texas Lane, of 1845 Plaudit Place to 3000 Pink Pigeon Parkway, of 2580 Gribbin Drive to 150 Richmond Plaza, and of 900 Chilesburg Road to 930 Jouett Creek Drive; changing the property address numbers of 2600, 3000, 3413, 3600, 3726, and 3793 Military Pike to 2630, 3026, 3669, 3660, 3664, and 3726 Military Pike, of 3637 and 3770 Royster Road to 3667 Royster Road and 3776 Royster Road, of 428 Fairman Court to 423 Fairman Court, of 1593 Fairman Court to 419 Fairman Court, of 480 Fairman Road to 436 Fairman Road, of 509 Sundrop Path to 513 Sundrop Path, of 3326-3540 Carrick Road to 3326 Carrick Road, of 228-230 North Limestone to 230 North Limestone, of 3098A Bracktown Road to 3000 Bracktown Road, of 400, 401, 405, 412 413, 421, 425, 428, 429, 432, 433, 436, 437, and 440 Lanarkshire Place to 401, 400, 404, 411, 410, 418, 422, 423, 426, 427, 430, 431, 434, and 435 Lanarkshire Place; and changing the street

name of 800, 801, 804, 805, and 808 Majestic Cove to 800, 801, 804, 805 and 808 Majestic View Cove; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute Releases of Easement releasing a utility easement, a storm sewer easement and a sanitary sewer easement at 3555, 3615 and 3625 Nicholasville Road.

A Resolution authorizing the Mayor to execute a Deed of Easement with Columbia Gas of Ky., Inc., for an easement across the property located at 2738 Jessica Lane, for a gas pipeline for the sum of \$5,000.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from Robert B. Hand, for property located at 671 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$150.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from William A. Wethington, for property located at 680 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$625.00, plus usual and appropriate closing costs.

A Resolution authorizing the Div. of Sanitary Sewers to purchase a replacement variable frequency drive from CED, Inc., for the existing drive configuration at Lower Cane Run Pump Station at a cost not to exceed \$30,300.00.

A Resolution authorizing the Mayor to execute a Special Event License Agreement with Central Ky. Region Sports Car Club of America, for use of the Government's truck training pad at the Old Frankfort Pike Landfill site, at a cost of \$500.00 per use.

A Resolution authorizing the Mayor to execute a Lease Agreement with Travis Fritz, for cultivation of landfill property on Haley Pike, at a rental rate of \$5,500.00.

A Resolution authorizing the Mayor to execute a Lease Agreement with A-1 Portable Buildings, Inc., for office trailers for the Recycling Center expansion/renovation, at a cost not to exceed \$7,065.00, subject to sufficient funds being appropriated in FY06.

A Resolution authorizing the Mayor to execute a Lease Agreement with WDKY, Inc., for leasing of multi-unit broadcast tower space for an initial term of five (5) years, at

a cost not to exceed \$20,400.00 for the first year, with a five percent (5%) annual increase thereafter, and subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute an Agreement with Cash America, for electronic delivery of transaction information, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Ky. Utilities Co., for placement of facilities on Ky. Utility poles, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the Ky. Transportation Cabinet, for control sharing and maintenance of camera systems for traffic management, Homeland Security, and Amber Alerts and rescinding the previous such agreement approved by Resolution No. 58-2003.

A Resolution authorizing the Mayor to execute an Amendment to Expansion Area Development Exaction Agreement with Deer Haven Properties, LLC, for construction of Polo Club Blvd. to increase the permitted construction from approximately 2,000 linear feet to approximately 2,400 linear feet, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Central Baptist Hospital, for Admin Rx system training, at a cost not to exceed \$20,000.00.

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Upon motion of Mr. McChord, seconded by Mr. Stinnett and passed by majority vote (Mr. Farmer voted no), the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Louis Stout to the Board of Adjustment with a term to expire 7-1-2009; (2) recommending the reappointments of Carlola Perry Foster, Charlotte Postlewaite and Scott Sensenig to the CASA Advisory Board with terms to expire 6-11-2007. Also, recommending the appointment of James S. Root to the CASA Advisory Board as an ex-officio. Mr. Root will replace LaYvonne Sensabaugh as ex-officio Police Dept. Representative; (3) recommending the reappointment of Leo Brown to the Environmental Hearing Commission with a term to expire 6-1-2008; and (4) recommending the reappointments of Ann Render and Mary Fister to the Transit Authority Board with terms to expire 6-30-2009.

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The following communications were received from the Mayor for information only:

(1) Resignation of Tammy S. Crowe, Child Care Program Aide, Grade 107N, in the Division of Family Services, effective May 20, 2005; (2) Resignation of Jennifer Biroshik, Communications Officer, Grade 111N, in the Division of Police, effective May 13, 2005; (3) Resignation of Myles J. Cosgrove, Community Corrections Officer, Grade 110N, in the Division of Community Corrections, effective May 26, 2005; (4) Resignation of Cherise Cramer, Police Trainee, Grade 311N, in the Division of Police, effective May 14, 2005; (5) Resignation of Jennifer Osborne, Communications Officer Sr., Grade 113N, in the Division of Police, effective June 8, 2005; (6) Resignation of Renee' Williams, Information Officer, Grade 113E, in the Division of Government Communications, effective June 27, 2005; (7) Resignation of Shaunee Lynch, Staff to Council II, in the Council Office, effective May 30, 2005; (8) Resignation of Aida Cruz-Hernandez, Administrative Specialist, Grade 110N, in the Division of Government Communications, effective May 16, 2005; (9) Resignation of Larry Todd Moses, Community Corrections Officer, Grade 110N, in the Division of Community Corrections, effective May 20, 2005; (10) Resignation of Kathy Jacobson, Administrative Specialist Sr., Grade 112N, in the Division of Building Maintenance & Construction, effective June 3, 2005; and (11) Termination of probationary appointment of William E. Graves III, Community Corrections Officer, Grade 110N, in the Division of Community Corrections, effective May 17, 2005.

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Mr. Bernard McCarthy, 515 Harry Street, spoke against the closing or narrowing of public streets, and having dead end or cul-de-sac streets.

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Mr. Robert Dalton, 520 Douglas Avenue, invited everyone to the Red, White and You event at Douglas Park.

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The Council recessed at 8:03 p.m.

During the recess the Mayor asked the attorney for the petitioner and those who had signed up to speak whether they objected to waiting more than the thirty minute time frame to determine whether there would be a quorum of the Council, and no one objected.

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At 8:37 p.m. the Council returned with the same members present except for DeCamp, Gorton, and Moloney.

An Ordinance changing the zone from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone for 8.36 net (11.21 gross) acres of property located at 1958 and 1980 Edgeworth Drive, subject to a certain density restriction imposed as a condition of granting the zone change (Dennis R. Anderson) was given second reading with a public hearing being held.

The Mayor swore in the witnesses and asked whether they had agreed to the waiver of the thirty minute time frame to determine whether there would be a quorum and they stated that they had.

Mr. Bill Saltee, Div. of Planning, made his presentation and filed the following exhibits: (1) Legal Notice, (2) Affidavit of notices mailed, (3) MAR 2005-9, Final Report and Minutes of the Planning Commission, (4) Land Subdivision Regulations, (5) 1983 Zoning Ordinance with amendments, (6) Comprehensive Plan, (7) Zoning Maps #11 and #18, (8) Aerial photos of area, (9) Comprehensive Plan Map and (10) Proposed Development Plan.

The following citizens asked questions of Mr. Saltee: (1) Ms. Valerie Winston, 145 Laclede Avenue, (2) Mr. B.W. Blanton, 449 Anniston Drive, (3) Mr. Everett Winston, 145 Laclede Avenue, (4) Mr. Darrell Jackson, 1950 Wickland Circle, (5) Mr. Brian Williams, 1920 Wickland Drive and (6) Mr. David Lucas, 310 Strathmore Road.

Mr. Richard Murphy, attorney for the petitioner, gave the reasons for the requested zone change and filed the following exhibits: (1) Affidavit of signs posted, (2) Elevation streetscape drawing, (3) Handout and (4) Photos of the area and the proposed development site.

The following witness spoke in support of the requested zone change: (1) Mr. Tony Barrett, Barrett Partners, landscape architect.

Mr. Blanton and Mr. Winston asked questions of Mr. Barrett.

The following citizen spoke in support of the requested zone change: (1) Ms. Pat Gravitz, 319 Mariemont Drive.

At 9:45 p.m. the Council recessed.

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At 9:50 p.m. the Council returned with the same members present except for Mr. DeCamp, Ms. Gorton and Mr. Moloney.

Mr. Nick Ardery, 1961 Laclede Court, stated his concerns with the narrowness of the roads in the area.

Mr. Blanton asked questions of Mr. Murphy and Ms. Gravitz.

The following citizens spoke against the requested zone change: (1) Ms. Valerie Winston, 145 Laclede Avenue, who filed the following exhibits: (a) Statement and Photos of area and subject property, (2) Mr. Darrell Jackson, 1950 Wickland Circle, (3) Mr. B. W. Blanton, 449 Anniston Drive, who filed the following exhibit: (a) Photos of area flooding.

Mr. Murphy made an objection to the presentation of information on flooding in various areas because it was not relevant to the zone change request.

The Mayor sustained the objection.

The following citizens also spoke against the requested zone change: (4) Mr. David Sugg , 1968 Laclede Court, (5) Mr. Everett Winston, 145 Laclede Avenue, (6) Mr. Kolan Morelock, 1956 Laclede Court, and (7) Mr. Bryan Williams, 1922 Wakeland Drive.

The following citizen stated concerns with the requested zone change: (1) Mr. David Lucas, 310 Strathmore Drive, who filed the following exhibit: (a) Map showing proposed lot sizes.

Mr. Murphy made his rebuttal and summation.

The Mayor swore in Mr. Charlie Martin, Director of the Div. of Sanitary Sewers, and Mr. Dennis Anderson, petitioner.

The Council asked questions of Mr. Murphy, Mr. Martin, Mr. Sallee, and Mr. Anderson.

Mr. Stinnett made a motion, seconded by Mr. Cegelka, to approve the following Findings of Fact for Approval of the Planning Commission with conditions:

1. The 2001 Comprehensive Plan recommends a combination of Low Density and Medium Density Residential future land use for the subject property, which is defined as 0-5 dwelling units per net acre, and 5-10 dwelling units per acre, respectively. As proposed, the density is over the Low Density recommendation of the Comprehensive Plan for the western half of the property and well under the Medium Density recommendation for the eastern half of the property. The proposed re-zoning, with its corollary development plan, will be within the 2001 Comprehensive Plan recommendation if the density is averaged for the entire property.
2. The requested zone change to R-3 was postponed to allow time to address sewer problems in the area, which are in the process of being resolved. It therefore appears that re-zoning the property to allow a greater density than recommended by the R-1B zoning is no longer premature, as was the case in 2000.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use

restrictions are appropriate at this location:

- a. The number of dwelling units shall be limited to no more than 46, which renders a residential density of 5.5 dwelling units per net acre (4.1 units per gross acre).
- b. All units constructed will be detached single family units.

This density restriction is necessary and appropriate for the subject property in order to maintain compliance with the recommendation of the 2001 Comprehensive Plan and the density of surrounding residential neighborhoods.

The motion passed by the following vote:

Aye: Cegelka, Ellinger, Farmer, Lane, McChord, Myers, Scanlon,  
Shafer, Stevens, Stinnett ----- 10

Nay: ----- 0

Upon motion of Mr. Stinnett, seconded by Mr. McChord and passed by unanimous vote, the ordinance was amended to include the conditions.

An Ordinance changing the zone from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone for 8.36 net (11.21 gross) acres of property located at 1958 and 1980 Edgeworth Drive, subject to certain density restrictions imposed as a condition of granting the zone change (Dennis R. Anderson) was given first reading as amended.

Upon motion of Mr. Farmer and seconded by Mr. Stinnett, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Cegelka, Ellinger, Farmer, Lane, McChord, Myers, Scanlon,  
Shafer, Stevens, Stinnett ----- 10

Nay: ----- 0

The Council adjourned at 11:33 p.m.

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Clerk of the Urban County Council